

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

ABDIKADIR MIJI and NAIMA HAJI,

Defendants.

4:18-CR-3065

ORDER

The government has moved to continue the sentencing hearings in this case. [Filing 79](#). The Court agrees with the government that the defendants' sentencing memoranda ([filing 76](#); [filing 78](#)) are, in effect, untimely objections to the presentence report. See [filing 55](#); [filing 59](#).

Nonetheless, it is the government's burden to prove the amount of loss and restitution, by a preponderance of the evidence. See [18 U.S.C. § 3664\(e\)](#); [United States v. Markert](#), 774 F.3d 922, 925 (8th Cir. 2014); [United States v. Poor Bear](#), 359 F.3d 1038, 1041 (8th Cir. 2004). Accordingly, the Court will grant the government's motion to continue. The Court will set a combined hearing on loss calculation and restitution for February 7, 2020 at 1:00 p.m., with sentencing in each matter to follow directly thereafter (presumably at approximately 2:30 and 2:45 p.m.).

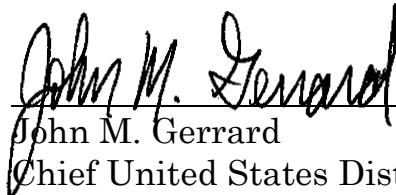
IT IS ORDERED:

1. The government's motion to continue ([filing 79](#)) is granted as to defendants Abdikadir Miji and Naima Haji.

2. A combined hearing on loss calculation and restitution as to defendants Abdikadir Miji and Naima Haji is set for February 7, 2020 at 1:00 p.m. in Courtroom 1, Robert V. Denney Federal Building, 100 Centennial Mall North, Lincoln, Nebraska, before Chief Judge John M. Gerrard.
3. Sentencing as to defendant Abdikadir Miji is continued to February 7, 2020 at 2:30 p.m. in Courtroom 1, Robert V. Denney Federal Building, 100 Centennial Mall North, Lincoln, Nebraska, before Chief Judge John M. Gerrard.
4. Sentencing as to defendant Naima Haji is continued to February 7, 2020 at 2:45 p.m. in Courtroom 1, Robert V. Denney Federal Building, 100 Centennial Mall North, Lincoln, Nebraska, before Chief Judge John M. Gerrard.

Dated this 31st day of December, 2019.

BY THE COURT:



John M. Gerrard
Chief United States District Judge